
Council Bill Number: 114552

AN ORDINANCE relating to land use, amending Sections 23.71.014, 23.71.038, 23.71.044, 23.76.004 (Exhibit A) and 23.76.006 and repealing Sections 23.71.020, 23.71.024, 23.71.026, 23.71.028 and 23.71.029 to repeal requirements for a General Development Plan within the Northgate Overlay District.

Date introduced/referred: Apr 28, 2003

Status: In Committee

Committee: Committee of the Whole

Sponsor: STEINBRUECK

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References/Related Documents: Related: Res 30327, 30596; CB 114551, 114552

Text

*Note to users: {- indicates start of text that has been amended out
-} indicates end of text that has been amended out
{+ indicates start of text that has been amended in
+} indicates end of text that has been amended in*

ORDINANCE

AN ORDINANCE relating to land use, amending Sections 23.71.014, 23.71.038, 23.71.044, 23.76.004 (Exhibit A) and 23.76.006 and repealing Sections 23.71.020, 23.71.024, 23.71.026, 23.71.028 and 23.71.029 to repeal requirements for a General Development Plan within the Northgate Overlay District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.71.014 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 116795, is amended as follows:

23.71.014 Open Space

A. Quantity of Open Space.

1. In all Commercial zones with a permitted height limit of forty (40) feet or less, a minimum of ten (10) percent of lot area {+ or, at the applicant's option, proposed gross floor area, +} shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-half (1/2) of the required open space shall be landscaped open space and a minimum of one-third (1/3) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

2. In all Commercial zones with a permitted height limit greater than forty (40) feet, a minimum of fifteen (15) percent of lot area {+ or, at the applicant's option, proposed gross floor area, +} shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-third (1/3) of the required open space shall be landscaped open space and a minimum of one-fifth (1/5) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may

be provided in accordance with subsection A8 of this section.

3. Open space may be provided as interior or exterior open space according to the standards provided in subsections 23.71.014 B and C. Interior open space may be used to satisfy up to twenty (20) percent of the open space requirement.

4. Reductions to Required Open Space. Required open space may be reduced if any of the following open space alternatives are provided:

a. Interior public meeting space or space accommodating a public library, either of which shall be free to the public and credited at two (2) times their actual area;

b. An on-site town square, urban plaza, active park, or passive park which meets the minimum size requirements prescribed in Table 23.71.014 A and which is consistent with the standards for such features contained in subsection 23.71.014 C. Such space shall be credited towards the open space requirement at 1.5 times the actual lot area occupied by such space.

5. Above-ground open space in the form of a publicly accessible terrace may satisfy up to thirty (30) percent of total required open space. Due to the more limited public access to such areas, such above-ground open space shall be credited at seventy-five (75) percent of actual area provided. Above-ground open space in combination with

interior open space shall not exceed fifty (50) percent of the total area required for open space.

6. In no case shall required landscaped open space be reduced to {+ less than the minimum percentages required in (A) (1) and (A) (2) of this section. +} ({- five (5) percent of lot area. -})) Required landscaping of surface parking areas may count towards the landscaped open space requirement {+ up to the minimum percentages required in (A) (1) and (A) (2) of this section. +} ({- to a maximum of five (5) percent of total lot area. -})) Perimeter screening of a surface parking area may count towards the landscaped open space requirement in excess of five (5) percent.

7. When an owner proposes substantial development on lots forty thousand (40,000) square feet or less and adjacent to a major pedestrian street as designated in Section 23.71.008, the Director may reduce the total amount of required open space if the owner provides open space on the portion of the site abutting the major pedestrian street. The reduction does not apply to open space consisting of landscaping required for surface parking areas, screening, or to improvements provided within the street right-of-way.

8. Northgate Open Space Fund.

a. In lieu of providing the remainder of open space, as defined in subsections A1 and A2 of this section, an owner may make a payment to

the Northgate Area Open Space fund, if such a fund is established by the City Council. ({- The payment and use thereof shall be consistent with RCW 82.02.020. -}))

b. An in-lieu of payment shall equal the assessed value of the land and improvements which would otherwise have been provided as open space.

c. Funds received from properties within the Northgate Core sub-area as shown on Map A, shall be applied to open space acquisition or improvements in the Northgate Core sub-area. Funds received from properties outside of the Northgate Core sub-area shall be applied to open space acquisition or improvements within one-half (1/2) mile of contributing sites.

* * *

{{- D. Reduction of Open Space Deficit. When substantial development is proposed for a site, the open space deficit for the entire site must be eliminated, provided that for sites subject to the General Development Plan provisions of Section 23.71.020, the deficit need not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the footprint of the substantial development together with fifty percent (50%) of the total footprint of any new parking area provided to meet the demand of the substantial development, together with fifty percent (50%) of any replacement

parking provided. -}})

Section 2. Section 23.71.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 116795, is repealed.

Section 3. Section 23.71.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 116795, is repealed.

Section 4. Section 23.71.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 116795, is repealed.

Section 5. Section 23.71.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is repealed.

Section 6. Section 23.71.029 of the Seattle Municipal Code, which Section was last amended by Ordinance 116795, is repealed.

Section 7. Section 23.71.038 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

SMC 23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial

zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development. {{{- The minimum standards of Section 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026. -}}){{-

-}}Section 8. Section 23.71.044 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 116795, is hereby amended as follows:

23.71.044 Standards for single-purpose residential development in Commercial zones within the Northgate Overlay District.

* * *

B. Single-purpose residential structures are prohibited in all commercial zones with a height limit of eighty-five (85) feet or greater{{+ . +}} {{{- , except as provided in Section 23.71.026 B for phased mixed use development under a General Development Plan. -}})

Section 9. Exhibit 23.76.004A of Section 23.76.004 of the Seattle Municipal Code, which was last amended by Ordinance 119974, is amended as follows:

EXHIBIT 23.76.004 A

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S

DECISIONS REQUIRING MASTER USE PERMITS

TYPE I

Director's Decision

(No Administrative Appeal)

Type II

Director's Decision

(Appealable to

Hearing Examiner*)

Type III

Hearing Examiner's

Decision

(No Administrative Appeal)

* Compliance with development standards

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* Uses permitted outright

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* Temporary uses, four weeks or less

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* Certain street uses

*

* Lot boundary adjustments

*

* Modifications of features bonused under Title 24

*

* Determinations of significance (EIS required) except for

determinations of significance based solely on historic and cultural preservation

*

* Temporary uses, twelve months or less, for relocation of police and fire protection

*

* Exemptions from right-of-way improvement requirements

*

* Special accommodation

*

* Reasonable accommodation

*

* Minor amendment to a Major Phased Development Permit

*

* Temporary uses, more than four weeks

*

* Variances

*

* Administrative conditional uses

*

* Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)

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* Short subdivisions

*

* Special Exceptions

*

* Design review

*

* ({- Northgate General Development Plan -})

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* Light rail transit facilities

*

* The following environmental determinations:

*

1. Determination of nonsignificance (EIS not required)

2.

3. Determination of final EIS adequacy

4.

3. Determinations of significance based solely on historic and
cultural preservation

4. A decision by the Director to approve, condition or deny a project based on SEPA Policies

5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)

6.

* Major Phased Development

* Subdivisions (preliminary plats)

COUNCIL LAND USE DECISIONS

TYPE IV

(Quasi -Judicial)

TYPE V

(Legislative)

* Land use map amendments (rezones)

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* Public project approvals

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* Major Institution master plans

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* Council conditional uses

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* Downtown planned community developments

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* Land Use Code text amendments

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* Rezones to implement new City Policies

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* Concept approval for City facilities

*

* Major Institution designations

*

* Waive or modify development standards for City facilities

*

* Planned Action Ordinance

Section 10. Section 23.76.006 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 120611, is hereby amended as follows:

SMC 23.76.006 Master Use Permits required.

* * *

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not

subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

- a. Determination of Nonsignificance (DNSs), including mitigated DNSs;
- b. Determination that a final environmental impact statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearings Board):

- a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

(({- h. -} {- Northgate General Development Plan; -}))

{+ h. +}({{- i -}}) Major Phased Development;{-

-}{+ i. +}({{- j. -}}) Determination of project consistency with a
planned action ordinance and EIS; and

{+ j. +}({{- k. -}}) Establishment of light rail transit facilities
necessary to operate and maintain a light rail transit system, in
accordance with the provisions of Section 23.80.004.

* * *

Section 11. The provisions of this ordinance are declared to be
separate and severable. The invalidity of any particular provision
shall not affect the validity of any other provision.{-

-}Section 12. This ordinance shall take effect and be in force
thirty (30) days from and after its approval by the Mayor, but if not
approved and returned by the Mayor within ten (10) days after
presentation, it shall take effect as provided by Municipal Code
Section 1.04.020.

Passed by the City Council the ____ day of _____, 2003, and
signed by me in open session in authentication of its passage this
____ day of _____, 2003.

President _____ of the City Council

Approved by me this ____ day of _____, 2003.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)

Kristian F. Kofoed/dk

Ngate Overlay Code Amend ORD

April 14, 2003

version #2